

Claim rejections under 35 U.S.C. §112

Claims 45 and 46 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

The specification of the pending application includes the following. Page 6, lines 23-25 state: "A position of the sensor, a geometry of the distal portion of the energy delivery device and the feedback control system provide a controllable energy delivery to the selected site of the collagen containing tissue". Page 14, line 28 to 30 of applicants' patent application state: "In one embodiment, microprocessor 52 monitors voltage, current and temperature. Microprocessor 52 can calculate the power supplied to energy delivery device 14 from the current and voltage" Page 15, lines 4-6 of applicants' patent application state: "Microprocessor 52 also receives input from a user input device 54. User input device 54 allows a user to program microprocessor 52 or input information such as the desired temperature or the desired time."

From at least the above portions of the specification, applicants have demonstrated that the inventions of claims 45 and 46 are enabled. Applicants respectfully request withdrawal of the rejected under 35 U.S.C. § 112, first paragraph, to claims 45 and 46.

Claim rejections under 35 U.S.C. §112

Claims 47-73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sand (U.S. Patent No. 4,976,709) in combination with Makower, et al.

Claim 47 includes:

a feedback control system for providing controllable energy delivery to the selected site that includes a programmable microprocessor with a controlled collagen contraction program, wherein the programmable microprocessor is coupled to the energy

delivery device and the sensor to controllably adjust the thermal distribution provided by the energy delivery device based on instructions from the controlled collagen contraction program and the thermal feedback signal from the sensor.

Neither Sand nor Makower, alone or in combination, teach or suggest claim 47. Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection to claim 47 and dependent claims 48-55.

CONCLUSION

It is submitted that the present application is in form for examination and allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees that may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 17616-705).

Respectfully submitted,

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